

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELIZABETH A. STANTON	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
LAFAYETTE COLLEGE, et al.	:	NO. 02-CV-04779

ORDER

AND NOW, this 27th day of March, 2003, the Court's Order, dated March 26, 2003, is vacated and the following Order is entered in its place.

In their brief in support of their motion for partial summary judgment, defendants question whether federal diversity jurisdiction exists (without moving to dismiss on this ground), contending that the decedent, Joseph H. Santarlaschi, III was a citizen of Pennsylvania. I am required to consider this question *sua sponte*. See Club Comanche, Inc. v. Government of Virgin Islands, 278 F.3d 250, 255 (3d Cir. 2002).

ORDERED that:

- 1) the parties agree to a schedule for the filing of briefs addressing the jurisdictional question;
- 2) the briefs should address this issue in light of factors such as where decedent exercised his political rights, paid taxes, maintained a driver's license and bank accounts, joined civic and religious organizations, etc. See Krasnov v. Dinan, 465 F.2d 1298, 1301 (3d Cir. 1972); Nercesian v. Johnson, Civ. A. No. 01-3129, 2002 WL 188728, at *1 (E.D. Pa. Feb. 7, 2002).
- 3) the parties should conduct any discovery necessary for resolution of these

questions; and

- 4) in their briefs the parties should inform the Court whether an evidentiary hearing is necessary to determine any relevant facts to which the parties cannot stipulate or establish by a properly supported motion for summary judgment.

THOMAS N. O'NEILL, JR., J.